



WEB COPY



W.P.No.25695 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.25695 of 2023

and

W.M.P.No.25125 of 2023

Karthik Sudhakar

...Petitioner

Vs.

1.The District Collector,
Collectorate,
Coimbatore District.

2.The Commissioner
Coimbatore City Municipal Corporation,
Coimbatore District.

3.The District Social Welfare Officer,
Collectorate,
Coimbatore.

4.The Town Planning Officer,
Officer of the town planner,
Collectorate,
Coimbatore District.

5.Mrs. R. Lalitha,

..Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to take action against the 5th respondent for not issuing the blueprint and building license of the property wherein a R.C.C Building was constructed in the said vacant site, comprising of 18 Rooms bearing Door No. 139/1, Site No.87, Karthik nagar, Saravanampatti and further grant appropriate time to apply for the license as per The Tamil Nadu Hostels and Homes for Women and Children(Regulation) Act, 2014.

For Petitioner : Mr. Harish Kumar
for HSR Advocates Legal Consultants

For Respondents 1, 3 & 4 : Mr.C.Selvaraj,
Additional Government Pleader

For respondent 2 : Mr.D.R. Arunkumar,
Standing Counsel

ORDER

The petitioner herein seeks direction to the respondents 1 to 4 to take action against the 5th respondent for not issuing the blueprint and building license of the property in Door No.139/1, Site No.87, Karthik Nagar, Saravanampatti and grant further time to apply for the license under the provisions of Tamil Nadu Hostels and Homes for Women and Children (Regulation) Act, 2014.



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2. According to the petitioner, he entered into a lease agreement with 5th respondent on 13.12.2021 in respect of above mentioned property. It is the specific case of the petitioner that he is running a women's hostel in the above mentioned property and he is not in a position to get license from the 3rd respondent for running the hostel as 5th respondent failed to furnish the blueprint of the building.

3. It appears that 5th respondent made a complaint to 3rd respondent that petitioner is running a hostel without appropriate license. In this regard, the 3rd respondent issued a notice to the petitioner and the 5th respondent calling for enquiry. It is stated by the learned Additional Government Pleader for the 3rd respondent that enquiry is still pending before the 3rd respondent.

4. The learned counsel for the petitioner submits that the 5th respondent refused to handover the necessary documents to enable him to get license from the 3rd respondent. Therefore, the respondents 1 to 4 shall be directed to take appropriate action against the 5th respondent.



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5. The petitioner is a tenant of the 5th respondent. The relationship between the petitioner and the 5th respondent are governed by the contract of lease. In such circumstances, the dispute between the petitioner and the 5th respondent has to be resolved by them through Civil Court. This Court cannot issue any direction to 5th respondent to handover any document to the petitioner as per the lease agreement.

6. As far as the official respondents 1 to 4 are concerned, the petitioner failed to establish before the Court that the official respondents are under legal duty to take action against the 5th respondent for his failure to furnish necessary document to the petitioner to enable him to get license. In order to maintain the writ of mandamus, the petitioner should establish that the official respondents are under the legal duty and there is inaction in respect of legal duty. In the case on hand, the petitioner failed to establish before this Court that respondents 1 to 4 are under legal obligation to take action against the 5th respondent for his failure to furnish the documents requested by his tenant namely the petitioner. Hence, in such circumstances, I do not find anything to



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entertain this writ petition.

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7. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

31.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nr

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Officer of the town planer,
Collectorate,

5/6



Coimbatore District.

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S.SOUNTHAR, J.

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